

IDEA PART C GRANT APPLICATION TECHNICAL ASSISTANCE CHECKLIST
 DESCRIPTION OF REGULATORY CHANGES TO 34 CFR PART 303 THAT AFFECT APPLICATION REQUIREMENTS

App. Section	Application/Regulatory Requirement	Regulations	Description of Changes
II.A.1	Name of Lead Agency Each application must include the name of the State lead agency, as designated under §303.120, that will be responsible for the administration of funds provided under this part.	34 CFR §303.201.	No substantive change.
II.A.2	Description of Part C Services Each application must include a description of services to be provided under Part C to infants and toddlers with disabilities and their families through the State's system.	34 CFR §§303.203(a), 303.13, 303.16, 303.31, 303.34.	<p>§303.13(b), which defines <i>Early intervention services</i>, incorporates the statutory amendments to section 632 of the IDEA 2004 amendments by adding or clarifying the following specific definitions:</p> <p><i>Assistive technology device,</i> <i>Sign language and cued language services,</i> <i>Speech language pathology services,</i> <i>Transportation and related costs,</i> and <i>Vision Services.</i></p> <p>§303.13(d) identifies that the list of services is non-exhaustive, incorporating the note from the prior regulations.</p> <p>§303.16(c)(1)(iii) clarifies that the term <i>Health services</i> does not include services that are related to the implementation, optimization (mapping), maintenance, or replacement of a medical device that is surgically implanted, including a cochlear implant and includes additional specific provisions.</p>

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			<p>§303.34 clarifies the role of the service coordinator, in the definition of <i>Service Coordination Services</i>. §§303.34(b)(1), (b)(5), (b)(6), (b)(7), (b)(8), and (b)(9) clarify that service coordination services include: (1) making referrals to providers for needed services and scheduling appointments for infants and toddlers with disabilities and their families; (2) ensuring the timely provision of services; (3) conducting follow-up activities to determine that appropriate Part C services are being provided; (4) informing families of their rights and procedural safeguards; and (5) coordinating the funding sources for services required under IDEA Part C.</p> <p>Service coordinators are no longer required to coordinate the funding sources for “other services” (i.e., those services listed on the IFSP but not required by Part C).</p> <p>§303.34(b)(2) adds “educational” and “social” as examples of other services that the service coordinator helps to coordinate.</p> <p>§303.34(b)(10) clarifies that service coordination services include facilitating the development of a transition plan to school, or if appropriate, other services, in addition to preschool, which was in the prior regulations.</p> <p>§303.34(c) incorporates into the regulations the</p>

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			<p>text of the note that was in the prior regulations regarding characterizing the services as case management or any other service that is covered by another payor of last resort.</p> <p>§§303.31 and 303.13(c) clarify that <i>Qualified Personnel</i> adds to the list of qualified personnel registered dietitians (instead of nutritionists), and vision specialists, including ophthalmologists and optometrists.</p>
II.A.3	<p>Coordination of All Available Resources</p> <p>Each application must include the State’s policies and procedures regarding the identification and coordination of all available resources within the State from Federal, State, local, and private sources as required under subpart F of 34 CFR Part 303. The State must have policies and procedures that meet the requirements listed in 3(a) and the methods identified in 3(b), and must provide responses to those entries. If the State has not adopted a system of payments, it may respond “NA” to 3(a).</p>		
II.A.3.a	<p>System of Payments</p> <p>(a) If the State has adopted a system of payments, each application must include any policies or procedures adopted by the State as its system of payments and those policies and procedures must meet the requirements in §§303.510, 303.520 and 303.521 (regarding the use of public insurance or benefits, private insurance, or family costs or fees).</p> <p>The policies and procedures listed in 3(a) are optional. Enter 'NA' in the cells to the left if the</p>	<p>34 CFR §§303.203(b)(1) , 303.510, 303.520, 303.521.</p>	<p><u>System of Payments</u></p> <p>§303.521 incorporates the longstanding requirement that if the State has adopted a system of payments (SOP) that requires the use of any of the following funding sources for IDEA Part C services, the State’s system of payments or SOP policy must be in writing and submitted to OSEP as part of the State’s application: public benefits or insurance, private insurance, and family fees.</p> <p>The Department has issued a separate guidance</p>

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	<p>State has elected not to adopt a system of payments (which includes a system to use public insurance or benefits or private insurance or family fees to pay for Part C services); otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</p> <p>The State's response under 3(a) of Section II-A must match the State's response under Section IV.A.</p>		<p>document that identifies the changes in the system of payments policy requirements. The document "Changes in Early Intervention: Use of Public Benefits or Insurance or Private Insurance to Pay for Part C Services" provides specific non-regulatory guidance regarding the Part C system of payment requirements can be found at the following link: http://idea.ed.gov/part-c/search/new.</p>
II.A.3.b	<p>Methods of Ensuring Services</p> <p>(b) Each application must include the methods (State law, regulation, signed interagency or intra-agency agreements or other appropriate written method(s) approved by the Secretary) used by the State to implement the payor of last resort and fiscal responsibility requirements in §303.511(b)(2) and (3).</p> <p>(34 CFR §303.203(b)(2))</p> <p>If the State uses signed interagency or intra-agency agreements or "other appropriate written method(s) to meet the requirements in 3(b)," please check 'N' or 'R' and submit with the application. If the State's method is a State statute or regulation, the State does not need to submit that method (the statute or regulation) with its application.</p>	<p>34 CFR §§303.203(b)(2), 303.511</p>	<p>See Section II of the attached OSEP IDEA Part C Checklist for Fiscal Certification Required Under 34 CFR §303.202. Section II identifies the methods the State must submit as part of its application and include in its fiscal certification under 34 CFR §§303.202 and 303.511, the format of those methods, and the requirements that apply to those methods.</p>

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II.A.4	Definition of Developmental Delay Each application must include the State’s rigorous definition of developmental delay as required under §§303.10 and 303.111. Each Statewide system must include the State's rigorous definition of developmental delay, consistent with §§303.10 and 303.203(c), that will be used by the State in carrying out programs under Part C of the Act in order to appropriately identify infants and toddlers with disabilities who are in need of services under Part C of the Act. The definition must--	34 CFR §§303.203(c), 303.16, 303.300.	No substantive change. The IDEA 2004 amendments added the term “rigorous” before the term “developmental delay.”
II.A.4.a	Evaluation and Assessment (a) Describe, for each of the areas listed in §303.21(a)(1), the evaluation and assessment procedures, consistent with §303.321, that will be used to measure a child's development; and	34 CFR §§303.203(c), 303.21(a)(1), 303.24, 303.25, 303.321.	<u>Evaluation of the child and assessment of the child and family</u> §303.321(a)(2), (b), and (c) established definitions of, and procedures for, the terms <u>evaluation</u> and <u>assessment</u> , including the assessment of the child and family. §303.321(a)(2)(i) clarifies that evaluation means the procedures used by qualified personnel to determine a child’s initial and continuing eligibility under this Part, consistent with the definition of infant or toddler with a disability in §303.21. §303.321(a)(2)(i) and (iii) includes new definitions of the terms <u>initial evaluation</u> and <u>initial assessment</u> . §303.321(a)(2)(i) clarifies that an initial

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			<p>evaluation refers to the child's evaluation to determine his or her initial eligibility under this part.</p> <p>§303.321(a)(1)(ii) clarifies that assessments provided for each eligible child must include: (1) a multidisciplinary assessment of the unique strength and needs of the infant or toddler and the identification of services appropriate to meet those needs; and (2) a family-directed assessment of the resources, priorities and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler.</p> <p>§303.321(a)(2)(iii) clarifies that an initial assessment refers to assessments of the child and the family conducted prior to the child's initial IFSP meeting, both of which must be conducted within the 45-day timeline described in §303.310.</p> <p>§§303.321(a)(1)(ii) and (a)(3)(i) clarifies that an assessment is required once a child is determined eligible, regardless of how eligibility is determined.</p> <p>§303.321(a)(3)(i) clarifies that a child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child) if those records indicate a</p>

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			<p>developmental delay or that the child otherwise meets the criteria for an infant and toddler with a disability under §303.21.</p> <p>§303.321(a)(3)(ii) requires the lead agency to ensure that informed clinical opinion may be used as an independent basis to establish a child's eligibility even when other instruments do not establish eligibility, and provides that informed clinical opinion may not be used to negate the results of evaluation instruments used to establish eligibility.</p> <p>§303.321(c)(1) clarifies that an assessment of the child must include a review of the results of an evaluation conducted under §303.321(b), personal observations of the child, and the identification of the child's needs in each of the developmental areas in §303.21(a)(1).</p> <p>§303.24 clarifies that, with respect to evaluations and assessments, <u>multidisciplinary</u> may include one individual who is qualified in more than one discipline or profession.</p> <p>§303.25 provides a new definition for <u>native language</u>, including a reference to limited English proficient or LEP as that LEP term is defined in the ESEA, consistent with IDEA section 601. §§303.25 and 303.321(a)(5) provide that all evaluations and assessments of a child must be conducted in the native</p>

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			language of the child, if determined developmentally appropriate by qualified personnel conducting those evaluations and assessments, and §303.321(a)(6) provides that family assessments must be conducted in the native language of the family member being assessed, in accordance with the new definition in §303.25, unless clearly not feasible to do so.
II.A.4.b	Level of Developmental Delay (b) Specify the level of developmental delay in functioning or other comparable criteria that constitute a developmental delay in one or more of the developmental areas identified in §303.21(a)(1).	34 CFR §§303.203(c), 303.111.	No substantive change.
II.A.5	Serving At-Risk Infants and Toddlers with Disabilities If the State provides services under Part C to at-risk infants and toddlers through the statewide system, the application must include-- (a) The State's definition of at-risk infants and toddlers with disabilities who are eligible in the State for services under Part C (consistent with §§303.5 and 303.21(b)); and (b) A description of the early intervention services provided under Part C to at-risk infants and toddlers with disabilities who meet the State's	34CFR §§303.204 303.5, 303.21(b).	§303.5 adds a new definition for <u>at-risk infant and toddler</u> incorporating the note from the prior regulations and clarifying that such children can be identified based on biological or environmental risk factors. It includes as examples (at the State's discretion) children being directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

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	<p>definition described in §303.204(a).</p> <p>The policies and procedures listed in 5 are optional (i.e., they only apply if the State opts to serve at-risk children). Enter 'NA' in the cells to the left if the State has elected not to provide services under Part C to at-risk infants and toddlers; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach the definition and description.</p>		
II.A.6	<p>Use of Funds</p> <p>Each State application must include a description of the State's use of funds under Part C for the fiscal year or years covered by the application. The description must be presented separately for the lead agency and the State Interagency Coordinating Council (Council), and include the information required in attached Section III of this application.</p>	34 CFR §303.205, 303.603.	<p>§303.205(b) limits the applicability of the requirement that the lead agency include in the Use of Funds (Section III of the Grant application) specific information about the use of IDEA Part C funds for State administration to those State lead agencies that are not SEAs. Thus, SEAs no longer have to provide this information. §303.205 also no longer requires the State to identify the amount of funds used for services to at-risk infants and toddlers.</p> <p>§303.603 remains substantively unchanged.</p>
II.A.7	<p>Referral of Children under CAPTA and Other At-Risk Children</p> <p>Each application must include the State's policies and procedures that require the referral for early intervention services under Part C of specific children under the age of three, as described in §303.303(b) (which includes children who are the</p>	34 CFR §§303.206, 303.303(b).	<p>§§303.206 and 303.303(b) incorporate the statutory changes regarding referral policies for specific children in section 637(a)(6) of the IDEA 2004 amendments, except that the language regarding substantiated cases of abuse has been modified. The statutory language referred to children "involved" in substantiated</p>

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	subject of a substantiated case of abuse or neglect, or directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure).		cases of abuse, while the regulatory language in §303.303(b)(1) refers to children who are the “subject” of a substantiated case of abuse. Additionally, §303.303(b)(2) adds the term “directly” before the language “affected by illegal substance abuse...”
II.A.8	Geographic Equity Each application must include a description of the procedure used by the State to ensure that resources are made available under Part C for all geographic areas within the State.	34 CFR §303.207.	No substantive change.
II.A.9	Public Participation Each application must include a description of the policies and procedures used by the State to ensure that, before adopting any new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303, the lead agency-- (1) Holds public hearings on the new policy or procedure (including any revision to an existing policy or procedure); (2) Provides notice of the hearings held in accordance with §303.208(b)(1) at least 30 days before the hearings are conducted to enable public participation; and (3) Provides an opportunity for the general	34 CFR §§303.208, 303.101(c).	<u>Public participation policies and procedures</u> §303.208(a) clarifies the public participation requirements to the State’s Part C application. §303.208(b) clarifies applicability of the public participation requirements to the State’s policies and procedures (including any revision to an existing policy or procedure) that are necessary to comply with Part C of the Act. This provision makes clear that the public participation requirements apply to all State policies and procedures necessary to comply with Part C of the Act and not just those that are required to be submitted with the State’s application (as was the case with the prior regulations).

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	public, including individuals with disabilities, parents of infants and toddlers with disabilities, EIS providers, and the members of the Council, to comment for at least 30 days on the new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303.		<p>§303.208(b) requires lead agencies to hold public hearings, provide prior notice at least 30 days before the hearings, and provide a public comment period of at least 30 days before adopting any new or revised part C policies or procedures.</p> <p>The provisions in the prior regulations regarding submission of the notice of public hearings, publication of such notice in newspapers, requests for waivers of the timelines, and other provisions have been removed.</p> <p>§303.101(c) clarifies that the State must obtain approval by the Secretary before the implementation of policies or procedures required to be submitted under §§303.203, 303.204, 303.206, 303.207, 303.208, 303.209 and 303.211.</p>
II.A.10.a.	<p>Early Childhood Transition</p> <p>(a) <u>Application Requirements</u>: Each State must include the following in its application:</p> <p>(1) A description of the policies and procedures it will use to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from</p>	34 CFR §§ 303.209(a), 303.344(h), 303.211, 303.401.	See the attached OSEP IDEA Part C Checklist on Early Childhood Transition Agreements for a discussion of both the changes to the early childhood transition requirements and how all of those changes must be included in the State's Transition Agreement. Note that the State's Transition Agreement may serve as the State's policies and procedures regarding early childhood transition.

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	<p>receiving early intervention services under Part C to preschool or other appropriate services (for toddlers with disabilities) or exiting the program for infants and toddlers with disabilities.</p> <p>(2) A description of how the State will meet each requirement in §303.209(b) through (f).</p> <p>(3)(i)(A) If the lead agency is not the SEA, an interagency agreement between the lead agency and the SEA, or (B) If the lead agency is the SEA, an intra-agency agreement between the program within that agency that administers Part C of the Act and the program within the agency that administers section 619 of the Act.</p> <p>(ii) To ensure a seamless transition between services under Part C and under Part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under §303.401(d)</p>		

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	<p>and (e)), §303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f) and 300.323(b).</p> <p>(4) Any policy the lead agency has adopted under §303.401(d) and (e).</p>		
II.A.10.b.	<p>(b) <u>Notification to the SEA and appropriate LEA.</u> The State must ensure that-- (1) Subject to paragraph (b)(4) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law; or</p> <p>(2) Subject to paragraph (b)(4) of this section, if the lead agency determines that the toddler is eligible for early intervention services under Part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services or other services under Part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under</p>	<p>34 CFR §§303.209(b), 303.401, 303.414.</p>	<p>See II.A.10.a. above.</p> <p>§303.29 revises the definition of personally identifiable information to cross-reference, with appropriate modifications, the definition of that same term contained in regulations under the Family Educational Rights and Privacy Act (FERPA) in 34 CFR 99.3, as amended.</p>

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	<p>Part B of the Act, as determined in accordance with State law; or</p> <p>(3) Subject to paragraph (b)(4) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services or other services under Part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances; and</p> <p>(4) The notification required under paragraphs (b)(1), (2), and (3) of this section is consistent with any policy that the State has adopted, under §303.401(e), permitting a parent to object to disclosure of personally identifiable information.</p>		
II.A.10.c.	<p>(c) <u>Conference to discuss services.</u> The State must ensure that—</p> <p>(1) If a toddler with a disability may be eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days--and, at the discretion of all of the parties, not more than 9 months--before the toddler's third birthday to</p>	34 CFR §303.209(c).	See II.A.10.a. above.

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	<p>discuss any services the toddler may receive under Part B of the Act.</p> <p>(2) If a toddler with a disability is determined to not be potentially eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.</p>		
II.A.10.d.	<p>(d) <u>Transition plan</u>. The State must ensure that for all toddlers with disabilities –</p> <p>(1) (i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and</p> <p>(ii) Each family of a toddler with a disability who is served under Part C is included in the development of the transition plan required under this section and §303.344(h).</p> <p>(2) It establishes a transition plan in the IFSP not fewer than 90 days--and, at the discretion of all of the parties, not more than 9 months--before the toddler's third birthday; and</p>	<p>34 CFR §§303.209(d), 303.344(h).</p>	<p>See II.A.10.a. above.</p>

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	<p>(3) The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate—</p> <p>(i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and (ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.</p>		
II.A.10.e.	<p>(e) <u>Transition conference and plan meeting requirements.</u> Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§303.342(d) and (e) and 303.343(a).</p>	<p>34 CFR §303.209(e), 303.342(d) and (e), 303.343(a).</p>	<p>See II.A.10.a. above.</p> <p>§303.209(e) clarifies that the transition conference conducted under paragraph (c) of this section or the meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the IFSP meeting and participant requirements in §§303.342(d) and (e) and 303.343(a).</p>
II.A.10.f.	<p>(f) <u>Applicability of transition requirements.</u></p> <p>(1) The transition requirements in paragraphs (b)(1) and (2), (c)(1), and (d) of this section apply to all toddlers with disabilities receiving services under this part before those toddlers turn age three, including any toddler with a disability under the age of three who is served by a State that offers services under §303.211.</p> <p>(2) In a State that offers services under §303.211, for toddlers with disabilities</p>		<p>See II.A.10.a. above.</p>

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	<p>identified in paragraph (b)(1) of this section, the parent must be provided at the transition conference conducted under paragraph (c)(1) of this section: (i) An explanation, consistent with §303.211(b)(1)(ii), of the toddler's options to continue to receive early intervention services under this part or preschool services under section 619 of the Act and (ii) The initial annual notice referenced in §303.211(b)(1).</p> <p>(3) For children with disabilities age three and older who receive services pursuant to §303.211, the State must ensure that it satisfies the separate transition requirements in §303.211(b)(6)(ii).</p>		
II.A.11	<p>Head Start</p> <p>11. Each application must contain a description of State efforts to promote collaboration among Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801, <u>et seq.</u>, as amended), early education and child care programs, and services under Part C.</p>	34 CFR §303.210.	<p>IDEA §637(a)(10) added this application requirement and §303.210 includes a reference to Early Head Start in addition to Head Start.</p> <p>We note that §303.210(b) requires the State lead agency to participate as a representative, under section 642B(b)(1)(C)(viii) of the Head Start Act, on the State Advisory Council on Early Childhood Education and Care established under the Head Start Act, if applicable, but a statement regarding the lead agency's participation in this Council does not need to be included in the State's description as part of the application.</p>

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II.A.12	Equitable Access & Participation - GEPA 12. Each application must include, as required by Section 427 of the General Education Provisions Act (GEPA), a description of how the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in, Part C.	34 CFR §303.212(a).	No substantive change; §303.212(a) simply incorporates the longstanding description requirement from section 427(b) of GEPA.
II.A.13	Part C Extension Option 13. (a)(1) A State may elect to include in its application for a grant under Part C a State policy, developed and implemented jointly by the lead agency and the SEA, under which a parent of a child with a disability who is eligible for preschool services under section 619 of the Act and who previously received early intervention services under Part C, may choose the continuation of early intervention services under Part C for his or her child after the child turns three until the child enters, or is eligible under State law to enter, kindergarten or elementary school. (2) A State that adopts the policy described in paragraph (a)(1) of this section may determine whether it applies to children with disabilities-- (i) From age three until the beginning of the school year following the child's third birthday; (ii) From age three until the beginning of the	34 CFR §303.211, 303.209, 303.420, 303.421, 303.520 303.521.	§303.211, which applies to States that elect to make Part C services available to children beyond age three (i.e., Part C extension option), incorporates the language of section 635(c) of the IDEA 2004 amendments and adds the following clarifications: §303.211(a)(2) allows the State to choose a subset age range of three through five year olds who may be offered Part C services under this model. §303.211(b)(1) clarifies that the initial annual notice must be provided as set forth in §303.209(f)(2)(ii). §303.211(b)(1)(ii)(C) clarifies that the annual notice must include information for parents on possible costs by expressly referencing costs or fees to be charged to families under the State's system of payments policy as described in §§303.520 and 303.521.

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	<p>school year following the child's fourth birthday; or</p> <p>(iii) From age three until the beginning of the school year following the child's fifth birthday.</p> <p>(3) However, in no case may a State provide services under this section beyond the age at which the child actually enrolls in, or is eligible under State law to enter, kindergarten or elementary school in the State.</p> <p>(b) <u>Requirements</u>. If a State's application for a grant under Part C includes the State policy described in paragraph (a) of this section, the system must ensure the following:</p> <p>(1) Parents of children with disabilities who are eligible for services under section 619 of the Act and who previously received early intervention services under Part C will be provided annual notice (the initial annual notice must be provided as set forth in §303.209(f)(2)(ii)) that contains--</p> <p>(i) A description of the rights of the parents to elect to receive services pursuant to §303.211 or under Part B of the Act; and</p> <p>(ii) An explanation of the differences between services provided pursuant to §303.211 and services provided under Part B of the Act, including--</p> <p>(A) The types of services and the locations at</p>		<p>§303.211(b)(4) clarifies that the lead agency must continue to provide all early intervention services identified in the toddler with a disability's IFSP under §303.344 (and consented to by the parent under §303.342(e)) beyond age three until that toddler's initial eligibility determination under Part B of the Act is made under 34 CFR §300.306. This provision does not apply if the LEA has requested parental consent for the initial evaluation under §300.300(a) and the parent has not provided that consent.</p> <p>§303.211(b)(5) clarifies that consent must be obtained before the child reaches three years of age, where practicable.</p> <p>§303.211(b)(6)(i) clarifies that for toddlers with disabilities under the age of three in a State that offers services under this section, the lead agency ensures that the transition requirements in §303.209(b)(1)(i) and (b)(1)(ii), (c)(1) and (d) are met.</p> <p>§303.211(b)(6)(ii) sets forth the specific additional transition requirements for children transitioning as they exit this Part C extension option to either preschool or elementary school services.</p>

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	<p>which the services are provided;</p> <p>(B) The procedural safeguards that apply; and</p> <p>(C) Possible costs (including the costs or fees to be charged to families as described in §§303.520 and 303.521), if any, to parents; and</p> <p>(2) Consistent with §303.344(d), services provided pursuant to §303.211 will include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills.</p> <p>(3) The State policy ensures that any child served pursuant to this section has the right, at any time, to receive FAPE (as that term is defined at §303.15) under Part B of the Act instead of early intervention services under Part C of the Act under §303.211.</p> <p>(4) The lead agency must continue to provide all early intervention services identified in the toddler with a disability's IFSP under §303.344 (and consented to by the parent under §303.342(e)) beyond age three until that toddler's initial eligibility determination under Part B of the Act is made under 34 CFR §300.306. This provision does not apply if the LEA has requested parental consent for the initial evaluation under §300.300(a) and the parent has not provided that consent.</p>		

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	<p>(5) The lead agency must obtain informed consent from the parent of any child with a disability for the continuation of early intervention services pursuant to this section for that child. Consent must be obtained before the child reaches three years of age, where practicable.</p> <p>(6)(i) For toddlers with disabilities under the age of three in a State that offers services under this section, the lead agency ensures that the transition requirements in §303.209(b)(1) and (2), (c)(1) and (d) are met.</p> <p>(ii) For toddlers with disabilities age three and older in a State that offers services under this section, the lead agency ensures a smooth transition from services under this section to preschool, kindergarten or elementary school by:</p> <p>(A) Providing the SEA and LEA where the child resides, consistent with any State policy adopted under §303.401(e), the information listed in §303.401(d)(1) not fewer than 90 days before the child will no longer be eligible under subsection (a)(2) of this section to receive early intervention services under this section;</p> <p>(B) With the approval of the parents of the child, convening a transition conference, among the lead agency, the parents, and the LEA, not fewer than 90 days--and, at the discretion of all parties, not more than 9 months--before the child will no</p>		

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	<p>longer be eligible under subsection (a)(2) of this section to receive early intervention services under this section, to discuss any services that the child may receive under Part B of the Act; and</p> <p>(C) Establishing a transition plan in the IFSP not fewer than 90 days--and, at the discretion of all parties, not more than 9 months--before the child will no longer eligible under subsection (a)(2) of this section to receive early intervention services under this section.</p> <p>(7) In States that adopt the option to make services under Part C available to children ages three and older pursuant to §303.211, there will be a referral to the Part C system, dependent upon parental consent, of a child under the age of three who directly experiences a substantiated case of trauma due to exposure to family violence, as defined in section 320 of the Family Violence Prevention and Services Act, 42 U.S.C. 10401, et seq.</p> <p>(c) <u>Reporting requirement.</u> If a State includes in its application a State policy described in §303.211(a), the State must submit to the Secretary, in the State's report under §303.124, the number and percentage of children with disabilities who are eligible for services under section 619 of the Act but whose parents choose for their children to continue to receive early</p>		

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	<p>intervention services under §303.211.</p> <p>(d) <u>Available funds</u>. The State policy described in §303.211(a) must describe the funds--including an identification as Federal, State, or local funds--that will be used to ensure that the option described in §303.211(a) is available to eligible children and families who provide the consent described in §303.211(b)(5), including fees, if any, to be charged to families as described in §§303.520 and 303.521.</p> <p>(e) <u>Rules of construction</u>. (1) If a statewide system includes a State policy described in §303.211(a), a State that provides services in accordance with this section to a child with a disability who is eligible for services under section 619 of the Act will not be required to provide the child FAPE under Part B of the Act for the period of time in which the child is receiving services under §303.211.</p> <p>(2) Nothing in this section may be construed to require a provider of services under Part C to provide a child served under Part C with FAPE.</p> <p>(34 CFR §303.211)</p> <p><i>The policies and procedures listed in 13 are optional. Enter 'NA' in the cells to the left if the State has elected not to develop and implement a policy under 34 CFR §303.211 to make Part C services to children beyond age three; otherwise</i></p>		

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	<i>check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</i>		
II.B.1	<p>1. The State has adopted a policy that appropriate early intervention services, as defined in 34 CFR §303.13, are available to all infants and toddlers with disabilities in the State and their families, including--</p> <p>(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State;</p> <p>(b) Infants and toddlers with disabilities who are homeless children and their families; and</p> <p>(c) Infants and toddlers with disabilities who are wards of the State.</p>	34 CFR §303.101(a), 303.13, 303.16, 303.31, 303.34.	<p>§303.101(a)(1)(ii) and (iii) incorporates changes from Section 634(1) of the IDEA referring to infants and toddlers with disabilities who are homeless children and their families and infants and toddlers with disabilities who are wards of the State.</p> <p>See II.A.2 in this chart for changes to §§303.13, 303.16, 303.31 and 303.34.</p>
II.B.2	2. The State has in effect a statewide system of early intervention services that meets the requirements of section 635 of the Act, including policies and procedures that address, at a minimum, the components required in 34 CFR §§303.111 through 303.126.	34 CFR §303.101(a), 303.111 through 303.126.	See II.A.4 in this chart for changes to §303.111, and See II.B.5 through II.B.19 for changes to §§303.112 through 303.126.
II.B.3	3. The State ensures that any State rules, regulations, policies and procedures relating to 34	34 CFR §303.102; 34	The State must ensure that any State rules, regulations, policies and procedures relating to

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	CFR Part 303 conform to the purposes and requirements of 34 CFR Part 303.	CFR Part 303.	34 CFR Part 303 conform to all of the changes in the new IDEA Part C regulations published on September 28, 2011.
II.B.4	4. Each statewide system (system) must include, at a minimum, the components described in §§303.111 through 303.126.	34 CFR §§303.110, 303.111 through 303.126.	Same as II.B.2. above.
II.B.5	<p>5. The State has a policy in effect that ensures that appropriate early intervention services are based on scientifically based research, to the extent practicable, and are available to all infants and toddlers with disabilities and their families, including—</p> <p>(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and</p> <p>(b) Infants and toddlers with disabilities who are homeless children and their families.</p>	34 CFR §§303.112, 303.13, 303.17, 303.32.	<p>§303.112 incorporates changes from Section 635(a)(2) of the 2004 IDEA amendments by specifying that EIS are to be based on scientifically based research, to the extent practicable.</p> <p>§303.32 adds a definition of <u>scientifically based research</u>, which cross-references, with appropriate modifications, the definition of the same term contained in section 9101(37) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).</p> <p>§303.112(b) incorporates the changes from section 635(a)(2) of the 2004 IDEA amendments by requiring the State to have a policy that ensures appropriate EIS are available to infants and toddlers with disabilities who are homeless children and their families.</p> <p>§303.17 provides that homeless children means children who meet the definition given the term homeless children and youths in section 725 (42</p>

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			<p>U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 et seq.</p> <p>See II.A.2. in this chart for changes to early intervention services under §303.13.</p>
II.B.6	<p>6. (a) The Statewide system ensures the performance of--</p> <p>(1) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State; and</p> <p>(2) A family-directed identification of the needs of the family of the infant or toddler to assist appropriately in the development of the infant or toddler.</p> <p>(b) The evaluation and family-directed identification required in paragraph (a) of this section must meet the requirements of 34 CFR §303.321.</p>	<p>34 CFR §§303.113, 303.21, 303.24, 303.25, 303.310, 303.320, 303.321, 303.420, 303.421.</p>	<p>See II.A.4.a. regarding changes to 303.21(a)(1), 303.24, 303.25, and 303.321.</p> <p>§303.21(a)(2) incorporates the language from the note in the prior regulations providing examples of diagnosed physical and mental conditions.</p> <p>§303.310 includes two exceptions to the requirement that within 45 days after the lead agency or EIS provider receives a referral of a child, the screening (if applicable), initial evaluation, initial assessments (of the child and family), and the initial IFSP meeting for that child must be completed (45-day timeline).</p> <p>§303.310(d) provides that the initial family assessment must be conducted within the 45-day timeline, if the parent concurs, even if other family members are unavailable.</p> <p>§303.320 establishes procedures that the State must use if the State elects to adopt screening procedures.</p> <p>See II.B.16 below regarding §§303.420 and</p>

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			303.421.
II.B.7	7. The Statewide system ensures that, for each infant or toddler with a disability and his or her family in the State, an IFSP, as defined in 34 CFR §303.20, is developed and implemented that meets the requirements of 34 CFR §§303.340 through 303.345 and that includes service coordination services, as defined in 34 CFR §303.34.	34 CFR §303.114, 303.20, 303.24, 303.34, 303.310, 303.340 through 303.346.	<p>IFSP Model Form is Available</p> <p><u>Provision of Services as Soon as Possible after Parental Consent:</u></p> <p>§§303.20(c), 303.342(e) and 303.344(f)(1) clarify that early intervention services must be provided as soon as possible after parental consent is obtained.</p> <p><u>Multidisciplinary</u></p> <p>§303.340 clarifies that the IFSP must be developed by a multidisciplinary team. §303.24 revises the definition of multidisciplinary to clarify that the IFSP Team must include the involvement of the parent and two or more individuals from separate disciplines or professions with one of these individuals being the service coordinator.</p> <p><u>IFSP Development</u></p> <p>§303.342 was revised to be more accurate by providing that an IFSP meeting must be held for a child referred to the Part C program and determined eligible, rather than a child evaluated for the first time, as stated in the prior regulations. See, also, §303.321(a)(3)(i).</p> <p>§303.342 provides that the meeting to develop the initial IFSP meeting must be held within the</p>

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			<p>45-day time period described in §303.310, which has been revised to include two exceptions.</p> <p>§303.342(b)(ii) clarifies that one of the purposes of the periodic review is to determine whether modification or revision of the results, outcomes, or early intervention services identified in the IFSP is necessary.</p> <p>§§303.342(e) and 303.344(f)(1) provide that each early intervention service must be provided as soon as possible after the parent provides consent for that service.</p> <p>§303.343(a)(iv) no longer includes language regarding which service coordinators must participate in the IFSP meetings, but instead says that the IFSP team must include the service coordinator designated by the public agency to be responsible for implementing the IFSP.</p> <p><u>IFSP content</u></p> <p>§303.344(a) requires the statement of present levels of development to be based on information from that child's evaluation and assessment.</p> <p>§303.344(c) incorporates the statutory language requiring the IFSP to include a statement of the measurable results or measurable outcomes expected to be achieved for the child, including</p>

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			<p>pre-literacy and language skills, as developmentally appropriate for the child, and family.</p> <p>§303.344(d)(1) incorporates the statutory language requiring the specific early intervention services contained in the IFSP to be based on peer-reviewed research, to the extent practicable.</p> <p>§303.344(d)(1)(i) sets out the list of information that must be specified in the IFSP regarding the early intervention services, including length and duration, which were in other parts of the prior regulation. §303.344(d)(2)(iii) and (d)(2)(iv) include new definitions of length and duration.</p> <p>§303.344(d)(4) requires IFSPs for children who are at least three years old to include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills.</p> <p>§303.344(e) clarifies that the other services that must be identified, to the extent appropriate, in the IFSP include other services the child or family is receiving through other sources, and clarifies that the other services are neither required nor funded under Part C.</p> <p>§303.344(e) no longer requires the IFSP to include the funding sources to be used in paying for other services not required under Part C, but</p>

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			<p>provides that if the other services are not currently being provided, the IFSP must include, to the extent appropriate, a description of the steps the service coordinator or family may take to assist the child and family in securing those services.</p> <p>§303.344(f) requires the IFSP to include the projected date for the initiation of each early intervention service, which date must be as soon as possible after the parent consents to the service, instead of as soon as possible after the IFSP meeting, which was the timeline in the prior regulations.</p> <p>§303.344(g) specifies that transition services are among the early intervention services the service coordinator is responsible for implementing.</p> <p>§303.344(h)(1) includes the term “services” to clarify that the IFSP must include the steps and services to be taken to support the smooth transition of the child.</p> <p>§303.344(h)(1)(ii) includes a reference to Part C services under §303.211.</p> <p>§303.344(h)(2)(iii) specifies that one of the transition steps that must be included in the IFSP is confirmation that child find information about the child has been transmitted to the LEA and SEA, and with parental consent if required</p>

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			<p>under §303.414, transmission of additional information needed by the LEA to ensure continuity of services from the Part C program, including a copy of the most recent evaluation and assessments of the child and family and the most recent IFSP.</p> <p>§303.344(h)(2)(iv) requires the IFSP to include the identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.</p> <p>See I.A.2 in this chart for changes to service coordination in §303.34.</p> <p>See II.B.19 in this chart for changes in the regulations regarding natural environments.</p>
II.B.8	8. The Statewide system includes a comprehensive child find system that meets the requirements in 34 CFR §§303.302 and 303.303.	34 CFR §§303.115, 303.302, 303.303, 303.320.	<p>§303.302(a)(2) incorporates the statutory provisions from section 635(a)(5) of the IDEA requiring the State's child find policies and procedures to include a system for making referrals to lead agencies or EIS providers that includes timelines, provides for participation by the primary referral sources, and ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for early intervention services that will reduce the need for future services.</p> <p>§303.302(b) requires the lead agency's child find system to identify, locate and evaluate</p>

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			<p>infants and toddlers with disabilities who are: (1) Indian infants and toddlers with disabilities residing on a reservation geographically located in the State, (2) homeless, in foster care, and wards of the State, and (3) the subject of a substantiated case of child abuse or neglect, or identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.</p> <p>§303.302(c) requires lead agencies to ensure that the child find system is coordinated with specific agencies, including the following State agencies (in addition to those long-referenced in 34 CFR Part 303): child protection and child welfare programs, including programs administered by, and services provided through, the foster care agency and the State agency responsible for administering the Child Abuse Prevention and Treatment Act (CAPTA); programs that provide services under the Family Violence Prevention and Services Act; the State Early Hearing Detection and Intervention (EHDI) system; the Home Visiting program under Maternal and Child Health; Child Care programs; and the Children's Health Insurance Program (CHIP).</p> <p>§303.303(a)(2)(i) requires primary referral sources to refer a child to the Part C program as soon as possible but in no case more than seven</p>

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			<p>days after identification.</p> <p>For a description of changes to §303.303(b) regarding policies and procedures regarding the referral for early intervention services under Part C of children under the age of three who are the subject of a substantiated case of child abuse or neglect, or who are identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure, see Section II.A.7 above.</p> <p>§303.303(c) sets out the long-standing list of primary referral sources; and adds schools, clinics, other public health agencies, public agencies and staff in the child welfare system, including child protective service and foster care, homeless family shelters, and domestic violence shelters and agencies; and changes the reference to day care programs to child care programs and early learning programs.</p> <p>See II.B.6 regarding the new screening procedures in §303.320.</p>
II.B.9	<p>9. The Statewide system includes a public awareness program that--</p> <p>(a) Focuses on the early identification of infants and toddlers with disabilities; and</p> <p>(b) Provides information to parents of infants and toddlers through primary referral</p>	<p>34 CFR §§303.116, 303.301.</p>	<p>§303.301(a)(2) requires that lead agencies adopt procedures for assisting primary referral sources in disseminating the information described §303.301(b) to parents of infants and toddlers with disabilities.</p> <p>§303.301(c) requires the lead agency to include</p>

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	sources in accordance with 34 CFR §303.301.		in its public awareness program a requirement that it will provide for informing parents of toddlers with disabilities of the availability of preschool services under section 619 of the IDEA not fewer than 90 days prior to the child's third birthday.
II.B.10	<p>10. The Statewide system includes a central directory that is accessible to the general public (i.e., through the lead agency's Web site and other appropriate means) and includes accurate, up-to-date information about:</p> <ul style="list-style-type: none"> (a) Public and private early intervention services, resources, and experts available in the State; (b) Professional and other groups (including parent support and training and information centers, such as those funded under the Act) that provide assistance to infants and toddlers with disabilities eligible under Part C of the Act and their families; and (c) Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities. 	34 CFR §303.117.	<p>§303.117, which provides that the central directory must be up-to-date and accessible to the general public, clarifies that the central directory must be accessible through the lead agency's Web site and other appropriate means.</p> <p>As examples of professional and other groups that provide assistance to infants and toddlers with disabilities and their families, §303.117(b) lists parent support, and training and information centers, such as those funded under the Act.</p>
II.B.11	11. The Statewide system includes a comprehensive system of personnel development, including the training of	34 CFR §303.118.	§303.118(a) now requires the States' comprehensive system of personnel development (CSPD) to include three

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	<p>paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State. The State's comprehensive system of personnel development--</p> <p>(a) Includes--</p> <ol style="list-style-type: none"> (1) Training personnel to implement innovative strategies and activities for the recruitment and retention of EIS providers; (2) Promoting the preparation of EIS providers who are fully and appropriately qualified to provide early intervention services under Part C; and (3) Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from an early intervention services program under Part C of the Act to a preschool program under section 619 of the Act, Head Start, Early Head Start, an elementary school program under Part B of the Act, or another appropriate program. 		<p>components that are similar to components that were permitted, but not required, under the prior regulations.</p> <p>§303.118(a)(3), regarding the training personnel to coordinate transition services for infants and toddlers with disabilities, includes references to transitioning to Head Start, Early Head Start, and an elementary school program under Part B of the Act.</p> <p>§303.118(b)(4) allows the CSPD to include training personnel who provide services under 34 CFR Part 303 using standards that are consistent with early learning personnel development standards funded under the State Advisory Council on Early Childhood Education and Care established under the Head Start Act, if applicable.</p>

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	<p>(b) May include--</p> <ul style="list-style-type: none"> (1) Training personnel to work in rural and inner-city areas; (2) Training personnel in the emotional and social development of young children; (3) Training personnel to support families in participating fully in the development and implementation of the child's IFSP; and (4) Training personnel who provide services under this part using standards that are consistent with early learning personnel development standards funded under the State Advisory Council on Early Childhood Education and Care established under the Head Start Act, if applicable. 		
II.B.12	<p>12. The Statewide system includes policies and procedures relating to the establishment and maintenance of qualification standards to ensure that personnel necessary to carry out the purposes of Part C are appropriately and adequately prepared and trained. These policies and procedures provide for the establishment and maintenance of qualification standards that are</p>	<p>34 CFR §303.119(a) – (c), 303.13(c), 303.31.</p>	<p>Consistent with statutory changes, §303.119 does not include the provisions in prior §303.361 regarding the requirement that the State's policy include steps for retraining or hiring personnel when the State's personnel standards are not based on the highest requirements in the State applicable to a specific profession or discipline.</p>

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	consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services. Nothing in Part C of the Act may be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under Part C of the Act to infants and toddlers with disabilities.		See II.A.2 above regarding §§303.13(c) and 303.31. See II.B.27 below regarding §303.119(d).
II.B.13	<p>13. The Statewide system includes a single line of responsibility in a lead agency designated or established by the Governor that is responsible for the following--</p> <p>(a)(1) The general administration and supervision of programs and activities administered by agencies, institutions, organizations, and EIS providers receiving assistance under Part C of the Act; and</p> <p>(2) The monitoring of programs and activities used by the State to carry out Part C of the Act (whether or not the programs or activities are administered by agencies, institutions, organizations, and EIS</p>	34 CFR §303.120, 303.500 through 303.520, 303.700 through 303.707.	<p>§303.120(a) includes the longstanding requirement that the lead agency is responsible for the general administration and supervision of programs and activities used to carry out Part C. References to “agencies, institutions, organizations, and EIS providers” were added to this section to clarify that a lead agency’s responsibilities include monitoring all of those entities and to ensure the timely provision of early intervention services pending reimbursement disputes between public agencies and EIS providers.</p> <p>§303.120(a)(2)(iv) states that the lead agency must ensure that noncompliance identified through monitoring is corrected as soon as possible, and in no case later than one year after the lead agency’s identification of the</p>

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	<p>providers that are receiving assistance under Part C of the Act), to ensure that the State complies with Part C of the Act, including--</p> <ul style="list-style-type: none"> (i) Monitoring agencies, institutions, organizations, and EIS providers used by the State to carry out Part C of the Act; (ii) Enforcing any obligations imposed on those agencies, institutions, organizations, and EIS providers under Part C of the Act and 34 CFR Part 303; (iii) Providing technical assistance, if necessary, to those agencies, institutions, organizations, and EIS providers; (iv) Correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after the lead agency's identification of the noncompliance; and (v) Conducting the activities in 		<p>noncompliance.</p> <p>§303.120(a)(2)(v) adds a cross-reference to §§303.700 through 303.707.</p> <p>§§303.700 through 303.707 incorporate the statutory requirements in section 616 of the IDEA 2004 amendments, which apply to Part C through section 642 of the Act.</p> <p>§303.120(c) through (f) incorporate the changes from section 635(a)(10)(C) through (F) of the IDEA 2004 amendments.</p> <p>§303.120(f) includes a reference to other written methods to be consistent with §303.511.</p> <p>See II.A.3.a. and b. above regarding changes to subpart F in §§303.500 through 303.520.</p>

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	<p>paragraphs (a)(2)(i) through (a)(2)(iv) of this section, consistent with 34 CFR §§303.700 through 303.707, and any other activities required by the State under those sections.</p> <p>(b) The identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local, and private sources, consistent with subpart F of 34 CFR Part 303.</p> <p>(c) The assignment of financial responsibility in accordance with subpart F of 34 CFR Part 303.</p> <p>(d) The development of procedures in accordance with subpart F of 34 CFR Part 303 to ensure that early intervention services are provided to infants and toddlers with disabilities and their families under Part C of the Act in a timely manner, pending the resolution of any disputes among public agencies or EIS providers.</p> <p>(e) The resolution of intra- and interagency disputes in accordance with subpart F of 34 CFR Part 303.</p>		

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	(f) The entry into formal interagency agreements or other written methods of establishing financial responsibility, consistent with 34 CFR §303.511, that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination as set forth in subpart F of 34 CFR Part 303.		
II.B.14	<p>14. The Statewide system includes a policy pertaining to the contracting or making of other arrangements with public or private individuals or agency service providers to provide early intervention services in the State, consistent with the provisions of Part C of the Act and 34 CFR Part 303, including the contents of the application, and the conditions of the contract or other arrangements. The policy --</p> <p>(a) Includes a requirement that all early intervention services must meet State standards and be consistent with the provisions of Part C; and</p> <p>(b) Is consistent with The Education Department General Administrative</p>	34 CFR §303.121.	<p>No substantive change to this provision.</p> <p>We note that the certification regarding financial responsibility the State is required to make under §303.202 includes a certification regarding the lead agency's contracts with EIS providers. See Section III of the attached OSEP IDEA Part C Checklist for Fiscal Certification Required Under 34 CFR §303.202.</p>

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II.B.15	15. The Statewide system includes procedures for securing the timely reimbursement of funds used under Part C of the Act, in accordance with subpart F of 34 CFR Part 303.	34 CFR §303.122, 303.500 through 303.520.	No substantive change to this provision. See II.A.3.a. and b. above regarding changes to subpart F in §§303.500 through 303.520.
II.B.16	16. The Statewide system includes procedural safeguards that meet the requirements of subpart E of 34 CFR Part 303.	34 CFR §§303.123, 303.400 through 303.449, 303.25.	There is a separate non-regulatory guidance document that addresses the changes to the procedural safeguards requirements, titled “Changes in Early Intervention: A Summary of Major Regulatory Changes related to the Administrative Responsibilities of State Lead Agencies.” That guidance can be found at the following link: http://idea.ed.gov/part-c/search/new .
II.B.17	17. The Statewide system includes a system for compiling and reporting timely and accurate data that meets the requirements of 34 CFR §§303.700 through 303.702 and 303.720 through 303.724 and the following requirements. The data system includes a description of the process that the State uses, or will use, to compile data on infants or toddlers with disabilities receiving early intervention services under Part C, including a description of the State’s sampling methods, if sampling is used, for reporting the data	34 CFR §§303.124, 303.700 through 303.707, 303.720 through 303.724.	§303.124(b) specifies that the State’s data system must include a description of the State’s sampling methods, if sampling is used, for reporting data required by the Secretary under sections 616 and 618 of the IDEA and §§303.700 through 303.707, 303.720 through 303.724. §§303.700 through 303.707 incorporate the statutory requirements in section 616 of the IDEA 2004 amendments, which apply to Part C through section 642 of the Act. §§303.720 through 303.724 incorporate the

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	required by the Secretary under sections 616 and 618 of the IDEA and 34 CFR §§303.700 through 303.707 and 303.720 through 303.724.		<p>statutory requirements in section 618 of the IDEA 2004 amendments, which apply to Part C through section 642 of the Act, including disaggregating data by gender, and reporting on toddlers with disabilities receiving services under §303.211, if the State elects to adopt such a policy.</p> <p>§303.721 requires the lead agency to count and report the number of infants and toddlers receiving early intervention services on any date between October 1 and December 1 of each year.</p> <p>§303.724 provides specific steps and procedures that lead agencies must follow if the lead agency uses EIS providers to complete its child count.</p>
II.B.18	18. The Statewide system includes a State Interagency Coordinating Council (Council) that meets the requirements of subpart G of 34 CFR Part 303.	34 CFR §§303.125, 303.600 through 303.605.	There is a separate non-regulatory guidance document that addresses the changes to the Council requirements, titled “Changes in Early Intervention: A Summary of Major Regulatory Changes related to the Administrative Responsibilities of State Lead Agencies.” That guidance can be found at the following link: http://idea.ed.gov/part-c/search/new .
II.B.19	19. The Statewide system includes policies and procedures to ensure, consistent with 34 CFR §§303.13(a)(8) (early intervention services),	34 CFR §§303.126, 303.13(a)(8),	§303.26 remains substantially unchanged from the definition of natural environments in the prior regulations by providing that it means

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	<p>303.26 (natural environments), and 303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided--</p> <p>(a) To the maximum extent appropriate, in natural environments; and</p> <p>(b) In settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment.</p>	303.26, and 303.344(d)(1)(ii).	<p>settings that are natural or typical for a same-aged infant or toddler without a disability, may include the home or community settings, and must be consistent with the provisions in §303.126.</p> <p>§303.344(d)(1)(ii)(A) requires the IFSP to include a statement that each early intervention service is provided in the natural environment for that child or service to the maximum extent appropriate, consistent with §§303.13(a)(8), 303.26 and 303.126, or, subject to §303.344(d)(1)(ii)(B), a justification as to why an early intervention service will not be provided in the natural environment.</p> <p>§303.344(d)(1)(ii)(B)(3) incorporates a longstanding Department policy that a justification for not providing early intervention services in a natural environment should be based on the child's IFSP outcomes.</p>
II.B.20	20. The Statewide system ensures that Federal funds made available to the State under section 643 of the Act will be expended in accordance with the provisions of 34 CFR Part 303, including §§303.500 and 303.501.	34 CFR §§303.221, 303.500, 303.501.	§303.500 clarifies that the State must have written policies and procedures to meet the following requirements: use of funds in §303.501 and payor of last resort in 303.510 through 303.521 (including system of payments). §303.501 incorporates the statutory changes regarding use of funds to section 638 of the IDEA 2004 amendments, including use of funds for the Part C extension option.

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II.B.21	21. The Statewide system will comply with the requirements in §§303.510 and 303.511 in subpart F of this part.	34 CFR §303.222.	See II.A.3.b. above regarding changes to §§303.510 and 303.511.
II.B.22	22. The Statewide system ensures that-- (a) The control of funds provided under 34 CFR Part 303, and title to property acquired with those funds, will be in a public agency for the uses and purposes provided in 34 CFR Part 303; and (b) A public agency will administer the funds and property.	34 CFR §303.223.	No substantive change.
II.B.23	23. The Statewide system ensures that it will-- (a) Make reports in the form and containing the information that the Secretary may require; and (b) Keep records and afford access to those records as the Secretary may find necessary to ensure compliance with the requirements of 34 CFR Part 303, the correctness and verification of reports, and the proper disbursement of funds provided under 34 CFR Part 303.	34 CFR §303.224.	See II.A.3.a. and b. above regarding changes.
II.B.24	24. The Statewide system ensures that – (a) Federal funds made available under	34 CFR §303.225, 76.560 through	New 303.225(c) incorporates the indirect cost requirements that are applicable to Part C and clarifies that a lead agency may not charge

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	<p>section 643 of the Act to the State –</p> <p>(1) Will not be commingled with State funds; and</p> <p>(2) Will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds.</p> <p>(b) To meet the requirement in paragraph (a) of this section, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for children eligible under this part and their families must be at least equal to the total amount of State and local funds actually expended for early intervention services for these children and their families in the most recent preceding fiscal year for which the information is available. Allowance may be made for—</p> <p>(1) A decrease in the number of infants and toddlers who are eligible to receive early intervention services under this part; and</p> <p>(2) Unusually large amounts of funds expended for such long-term purposes</p>	76.569.	indirect costs to its Part C grant unless the lead agency has an approved cost allocation plan or restricted indirect cost rate. New 303.225(c) also clarifies that the lead agency may not charge rent, occupancy, or space maintenance costs to IDEA Part C grant funds unless those costs are specifically approved in advance by the Secretary.

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	<p>as the acquisition of equipment and the construction of facilities.</p> <p>(c) <u>Requirement regarding indirect costs.</u> (1) Except as provided in paragraph (c)(2) of this section, a lead agency under this part may not charge indirect costs to its Part C grant.</p> <p>(2) If approved by the lead agency's cognizant Federal agency or by the Secretary, the lead agency must charge indirect costs through either--</p> <p>(i) A restricted indirect cost rate that meets the requirements in 34 CFR 76.560 through 76.569; or</p> <p>(ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR part 76 of EDGAR.</p> <p>(3) In charging indirect costs under paragraph (c)(2)(i) and (c)(2)(ii) of this section, the lead agency may not charge rent, occupancy, or space maintenance costs directly to the Part C grant, unless those costs are specifically approved in advance by the Secretary.</p>		
II.B.25	25. The Statewide system ensures that fiscal control and fund accounting procedures will	34 CFR §303.226.	No substantive change.

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	be adopted as necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 34 CFR Part 303.		
II.B.26	<p>26. The State ensures that policies and practices have been adopted to ensure that--</p> <p>(a) Traditionally underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, are meaningfully involved in the planning and implementation of all the requirements of Part C; and</p> <p>(b) These families have access to culturally competent services within their local geographical areas.</p>	34 CFR §303.227.	No substantive change.
II.B.27	<p>27. A State may adopt and has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in paragraphs (a) and (b) of this</p>	34 CFR §303.119(d).	<p>Note that this is an optional policy and the State may indicate NA if it is not applicable.</p> <p>If a State adopts a policy under §303.119(d), there is no longer a requirement that personnel hired under the policy complete the necessary coursework in three years, but the State may include that requirement in its policy.</p>

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